

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-MD-2724

THIS DOCUMENT RELATES TO:

*The State of Connecticut, et al. v.
Teva Pharmaceuticals USA, Inc.*

HON. CYNTHIA M. RUGE

Civil Action No. 19-2407

ORDER

13th

AND NOW, this 6th day of February 2020, upon consideration of the attached joint stipulation of counsel regarding responses to the States' November 1, 2019 Amended Complaint, it is hereby ORDERED that the stipulation is APPROVED. The Stipulating Defendants' time to answer, move, or otherwise respond to the States' Amended Complaint in the above-captioned case is ADJOURNED until the Court rules on both (1) Defendants' Joint Motion to Dismiss Plaintiffs' Federal Law Claims for Lack of Standing, dated February 21, 2019 [Doc. No. 74 in Civil Action No. 17-3768]; and (2) Defendants' Joint Motion to Dismiss Plaintiffs' State-Law Claims, dated May 31, 2019 [Doc. No. 157 in Civil Action No. 17-3768] (the "Pending Dismissal Motions"). Notwithstanding this adjournment, any Defendant in the above-captioned case may answer, move or otherwise respond to the States' Amended Complaint before the Court rules on the Pending Dismissal Motions, provided that the Defendant does so on or before February 15, 2020, and the States may seek earlier briefing for the purpose of implementing and expediting trial of any bellwether selection.

It is so ORDERED.

BY THE COURT:


CYNTHIA M. RUGE, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
16-md-2724

HON. CYNTHIA M. RUFFE

THIS DOCUMENT RELATES TO:

State of Connecticut, et al., v. Teva Pharmaceuticals USA Inc., et al.

Civil Action No.: 19-2407

**JOINT STIPULATION TO SET DEADLINE
FOR DEFENDANTS TO RESPOND TO THE STATES'
NOVEMBER 2019 AMENDED COMPLAINT**

WHEREAS, on May 10, 2019, the State Attorneys General Plaintiffs (collectively, the "States") filed a Complaint in the United States District Court for the District of Connecticut, *State of Connecticut, et al. v. Teva Pharmaceuticals USA, Inc.*, 19-cv-710 (D. Conn.), which, on June 4, 2019, was transferred by the Judicial Panel of Multidistrict Litigation to the United States District Court for the Eastern District of Pennsylvania, assigned Case No. 19-cv-2407-CMR, and centralized for coordinated pretrial proceedings as part of *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, 16-md-2724, MDL No. 2724.

WHEREAS, on July 25, 2019, before any of the Defendants named in the States' Complaint filed a responsive pleading, this Court entered a joint stipulation adjourning the Defendants' deadline "to move, answer, or otherwise respond to the States' May 10, 2019 Complaint . . . until such time as the Court may provide for such response in the Case Management Plan and Order entered as a result of ongoing discussions among the Court, the Special Master and the parties." 19-cv-2407, Dkt. No. 55 ¶ 2.

WHEREAS, on October 24, 2019, this Court issued Pretrial Order No. 105 (Case Management Order and Discovery) (“PTO 105”), which provides in relevant part that “[w]ith respect to any new complaint or amended complaint filed after September 1, 2019, responsive pleadings and/or motions shall be filed as normally required or agreed.” 16-md-2724, Dkt. No. 1135 ¶ 1.

WHEREAS, the States filed an Amended Complaint in Case No. 19-cv-2407-CMR on November 1, 2019, which was docketed on November 4, 2019. Dkt. No. 106. The States’ Amended Complaint names the following Defendants (collectively, “the Stipulating Defendants”): Teva Pharmaceuticals USA, Inc.; Actavis Holdco US, Inc.; Actavis Pharma, Inc.; Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals, LLC; Apotex Corp.; Ara Aprahamian; Aurobindo Pharma U.S.A., Inc.; David Berthold; Breckenridge Pharmaceutical, Inc.; James Brown; Maureen Cavanaugh; Tracy Sullivan Divalerio; Dr. Reddy’s Laboratories, Inc.; Marc Falkin; Glenmark Pharmaceuticals, Inc., USA; James Grauso; Kevin Green; Greenstone LLC; Robin Hatosy; Armando Kellum; Lannett Company, Inc.; Lupin Pharmaceuticals, Inc.; Mylan Pharmaceuticals Inc.; Jill Nailor; James Nesta; Par Pharmaceutical Companies, Inc.; Nisha Patel; Konstantin Ostaficiuk; David Rekenthaler; Richard Rogerson; Sandoz, Inc.; Taro Pharmaceuticals USA, Inc. Upsher-Smith Laboratories, LLC; Wockhardt USA LLC; and Zydus Pharmaceuticals (USA) Inc.

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and among the undersigned counsel, on behalf of their respective clients, as follows:

1. The Stipulating Defendants’ time to answer, move, or otherwise respond to the States’ Amended Complaint is adjourned until the Court rules on the following pending motions (1) Defendants’ Joint Motion to Dismiss Plaintiffs’ Federal Law Claims for Lack of Standing, dated February 21, 2019, Dkt. No. 74; and (2) Defendants’ Joint Motion to Dismiss Plaintiffs’ State-

Law Claims, dated May 31, 2019, Dkt. No. 157 (the “Pending Dismissal Motions”), both of which seek to dismiss certain claims filed by the States in their Consolidated Amended Complaint in *State of Connecticut, et al. v. Actavis Holdco U.S., Inc., et al.*, 17-cv-3768 (E.D. Pa.).¹ No later than 30 days after the Court rules on both Pending Dismissal Motions, the parties shall meet and confer on a proposed schedule for the Stipulating Defendants’ time to answer, move, or otherwise respond to the States’ Amended Complaint.

2. Notwithstanding paragraph 1 of this Joint Stipulation, any Defendant may answer, move or otherwise respond to the States’ Amended Complaint before the Court rules on the Pending Dismissal Motions, provided that the Defendant does so on or before February 15, 2020.

3. After February 15, 2020, the States reserve the right to request that the Court set an earlier briefing schedule, provided Stipulating Defendants are permitted at least 60 days to answer, move or otherwise respond to the States’ Amended Complaint from the date of the issuance of such schedule.

¹ Each of the Pending Dismissal Motions is fully briefed. *See* Docket Nos. 74-1, 121, 157-1, 164, 169 & 183.

IT IS SO STIPULATED

Date: February 3, 2020

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